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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,530	04/20/2000	Hiroshi Maeda	450100-02476	5119

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

BECKER, SHAWN M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/10/2003.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,530

Applicant(s)

MAEDA ET AL.

Examiner

Shawn M. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10^{1-7 sub} is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10^{1-7 sub} is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed 1/28/03.

Claim Rejections - 35 USC § 112


1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 16-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure makes no mention of changing the display state of an arc or circle in accordance with an angle of depression.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2-¹⁵~~15~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,212,643 to Yoshida and European Patent No. 0 378 271 to De Jong et al (hereinafter De Jong). 

Referring to claims 2, and 9, Yoshida teaches a method and electronic map apparatus (vehicle-mounted navigation apparatus). The apparatus has a data fetching means for fetching map data from media for storing the map data to be displayed as a map. See col. 3, lines 22-30, which describes how the display control unit reads (fetches) the map data. Yoshida describes a display device (Fig. 1; 11) for displaying the map in accordance with the map data. The display

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control unit (microcomputer) processes the map data and scale indication patterns, which are data of a circle which has a center at a specified point (location of the vehicle) on the map and links points on the map at geographical distances from the center equal to those of the map. When the map is displayed on the display device, the circles are displayed on the basis of the circle's display data processed by the microcomputer (display control unit) being superimposed on the map displayed on the display device. See Fig. 3 and col. 4, lines 12-28. Also, see col. 3, lines 39-51, which describe how the display control unit (microcomputer) reads (processes) and superimposes the scale indication pattern on the road map screen in accordance with the position of the vehicle.

Yoshida does not explicitly teach displaying the map in a perspective view as cited in the claims. De Jong teaches a method geared toward vehicle navigation that displays part of a map in a perspective view. See col. 1, lines 40-46. It would have been obvious to one of ordinary skill in the art with the teachings of Yoshida and De Jong before him to modify the vehicle-mounted navigation apparatus of Yoshida to display the map in a perspective view, because as De Jong teaches, a perspective view provides the user with more information about the terrain or area in which he moves or is interested in.

Referring to claims 3 and 10, Yoshida teaches that the display control unit (microcomputer) processes data of a plurality of circles representing different geographical distances from the center and the circles are superimposed on the map displayed. See Fig. 3, which shows circles representing distances of 1, 2, and 3 km. Also, see col. 4, lines 12-28. The perspective view is taught by De Jong, as described above.

Referring to claims 4 and 11, Yoshida shows that the display control unit (microcomputer) outputs number (1, 2, 3) indicating a geographical distance from the center to the circle and displays each of the numbers in close proximity to the circumference of the circle with the geographical distance thereof indicated by the number. See Fig. 3.

Referring to claims 5 and 12, Yoshida teaches that the display control unit (microcomputer) changes contraction of a map displayed on the display device and modifies the geographical distances from the center to the circles and the number of circles in accordance with a degree of contraction of the map. See the Reduce (20) and Magnify (21) buttons in Fig. 3 and col. 4, lines 4-12, which describe how the reduction of scale is handled. The perspective view is taught by De Jong, as described above.

Referring to claims 6 and 13, the electronic map apparatus of Yoshida is a navigation apparatus mounted on a vehicle (Vehicle-Mounted Navigation Apparatus), and the specified point is the position of the vehicle. The map data includes the position of the vehicle, which is read from the media. See col. 1, lines 53-62 and col. 3, lines 39-51. The perspective view is taught by De Jong, as described above.

Referring to claims 7 and 14, Yoshida shows that the specified point is the current location of the vehicle, but does not explicitly show the specified point is a point on a map specified by a user as cited in the claims. However, De Jong teaches that a driver (user) can select a position by hand on the map. See col. 4, lines 45-46. It would have been obvious to one of ordinary skill in the art with the teachings of Yoshida and De Jong before him to modify the vehicle-mounted navigation apparatus of Yoshida to allow the user to select the specified point,

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because as De Jong teaches in col. 3, lines 24-50, the user may wish to see his surroundings further down a route or look at route segments that have not been traveled.

Referring to claims 8 and 15, Yoshida teaches displaying a symbol representing a direction (the direction of the vehicle) at the specified point (vehicle location). See Yoshida at col. 3, lines 55-59. De Jong teaches the perspective view as described above.

5. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida, De Jong, and U.S. Patent No. 6,012,014 to Koyanagi et al. (hereinafter Koyanagi).

Referring to claims 16-17, Yoshida describes using circles to show the geographical distance of equidistant locations (i.e. a scale), and De Jong teaches displaying a map in a perspective view, but Yoshida and De Jong do not explicitly state that the circle or arc being displayed is switched from one display state to another in accordance with an angle of depression of the map being displayed on the display device in the perspective view. However, Koyanagi describes an electronic map apparatus and method that displays grid lines or latitude and longitude lines to show a scale on a perspective view of a map to give the user a sense of distance. See col. 1, line 63 - col. 2, line 10. Koyanagi discloses the use of a bird's eye view (col. 2, line 9), as does De Jong (col. 2, line 4) to give the user a more realistic view of the map. Koyanagi describes that the bird's eye view is dependent on an angle of depression ' ϕ ' (col. 4, lines 13-21 and col. 12, lines 54-61), and that the scale (latitude and longitude) is converted for the bird's eye view. See col. 11, lines 34-43. It would have been obvious to one of ordinary skill in the art to modify the electronic map apparatus and method of Yoshida and De Jong to vary the scale (display states of the circles or arcs) of Yoshida in accordance with the angle of depression

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for a bird's eye view as supported in Koyanagi displayed on the display device in the perspective view as supported by De Jong and Koyanagi in order to provide distance information for the perspective view as supported in Koyanagi (col. 2, line 8).

Response to Arguments

6. Applicant's arguments filed 1/28/03 have been fully considered but they are not persuasive.

Applicant argues that the limitation that the present invention "processes data of a circle or an arc which has a center at a specified point on the map and links points of the perspective view at geographical distances from the center equal to those of said map" patentably distinguishes the present invention. However, Yoshida describes that the data of a circle is centered at a specified point, which is the current position of the vehicle, and that the circles connect geographically equidistant locations on the map. See col. 4, lines 19-23 and col. 3, lines 39-51. The data of the circle has to be processed in order for it to be read, superimposed, and displayed.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., calculating the points on the circle or the arc based on the scale of the map) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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It should be noted however, that Yoshida does in fact disclose this limitation. Applicant argues that Yoshida uses a predetermined selection of circles and does not calculate the circles based on the scale at the time of display. However, it is the scale indication patterns that are predetermined and not the scales themselves. The scale indication patterns as shown in Yoshida (Fig. 1; 8) are different ways of displaying the scale, such as through dotted lines, connected lines, or arcs. Yoshida describes that the scale may change as supported in col. 4, lines 4-12, which requires recalculating the circles or arcs. Also, see col. 5, lines 10-24, which describe how the scale indication pattern is superimposed on the map with the desired reduction of scale.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

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these references fully when responding to this action. The documents cited therein teach converting distance information for perspective views of maps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is 703-305-7756. The examiner can normally be reached on M-T 8:00 - 5:30 and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 703-305-3116. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-745-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

smb
March 31, 2003



RAYMOND J. BAYERL
PRIMARY EXAMINER
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